

REMARKS

Claims 1-3 and 16-18 are pending. By this Amendment, Claim 1 is amended and Claims 17 and 18 are canceled. No new matter is added by way of this amendment.


In the Office Action the Examiner objects to Claims 1-3 and 16. According to the Examiner, claim 1 and the claims depending therefrom read on the non-elected compounds (e.g, where R¹ and R² each represents an alkyl group which is not substituted by pyridyl). Applicant respectfully submits that Claims 1-3 and 16 as currently pending obviate the objection since claim 1 now recites that R¹ and R² each represents an alkyl group, wherein said alkyl group is substituted by pyridyl. Withdrawal of this objection is respectfully requested.

In the Office Action, the Examiner refuses to rejoin claims 17 and 18 since Applicants have not presented a claim to the elected compounds and since claims 17 – 18 do not meet the requirements of 35 U.S.C. § 112. Claims 17 and 18 are canceled herewith without prejudice our disclaimer. Thus, withdrawal of the objection to these claims is respectfully requested.

Applicant respectfully submits that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Dated: December 2, 2009

Respectfully submitted,

By 
Lydia G. Olson

Registration No.: 48,487
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(206) 262-8913
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant